

Weekly Legislative Update

For the Week Ending in February 19, 2021

This weekly publication is available during the legislative session; for general legislative inquiries please visit azwater.gov



■ News/Notes

Today marks the 40th day of the 55th Legislature, 1st Regular Session.

- Today is the deadline for bills to be heard in their chamber of origin (other than Appropriations)
- Bills that have not been heard in an initial committee in their chamber of origin are unlikely to move forward in the legislative process.

■ Posted Committee Hearings

No Committee hearings scheduled

■ Bill Summaries

The following bills are being reviewed internally for impacts to the Department and the State's water resources. If the Department has taken a position on a bill it will be noted. (the following bills do not represent the extensive list of bills ADWR Legislative Affairs is tracking.)

House of Representatives

HB 2035: appropriation; Arizona water protection fund

Summary: Appropriates \$1 million from the general fund in FY 2021-22 to the Arizona Water Protection Fund.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/18 assigned to Sen Appropriations

ADWR Position: Neutral

HB 2040: dam safety study committee

Summary: Establishes a 7-member Dam Safety Study Committee to collect information on the status of dams in Arizona with respect to their safety, age and need for maintenance. The Committee is required to submit a report of its findings to the Governor and the Legislature by December 31, 2021, and self-repeals July 1, 2022.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/18 assigned to Sen Nat Res Energy & Water

ADWR Position: Neutral

HB 2041: groundwater replenishment reserves

Summary: Modifies the calculation for groundwater replenishment reserve targets for active management areas within a multi-county water conservation district.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/18 Signed by the Governor

ADWR Position: Neutral

HB 2056: *water conservation notice; no forfeiture*

Summary: Beginning on the effective date of this legislation, a person who is entitled to the use of water is authorized to file with the Department of Water Resources a water conservation plan notice. Information that must be included in the notice is listed. On filing a water conservation plan notice, the conservation of water pursuant to the plan does not constitute abandonment or forfeiture of the water conserved. A person cannot accrue long-term storage credits for any water that is conserved in a water conservation plan notice. A water conservation plan is required to designate a duration of up to 10 years, and the person filing the notice may file a subsequent notice for one or more periods of up to 10 years. Contains a legislative intent section stating that the Legislature intends that this act apply prospectively only.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/18 signed by the Governor

ADWR Position: Neutral

HB 2074: *water banking; storage credits; subcontractors*

Summary: The Arizona Water Banking Authority is authorized to distribute long-term water storage credits to Central Arizona Water Conservation District's (CAWCD) municipal and industrial subcontractors. Long-term water storage credits that are distributed to a CAWCD municipal and industrial subcontractor cannot be sold, and the subcontractor is responsible for all fees assessed by the Authority or the Department of Water Resources for the distribution of the long-term storage credits and all costs of recovery of the long-term storage credits.

First sponsor: Rep. Pratt (R - Dist 8)

Disposition: 1/14 referred to House Nat Res Energy & Water (likely dead)

HB 2078: *groundwater; waterlogged area exemption; date*

Summary: The exemption from irrigation water duties for persons entitled to use groundwater under an irrigation grandfathered right is extended ten years, to December 31, 2034. The exemption from any applicable conservation requirements for the distribution of groundwater for the Arlington Canal Company, the Buckeye Water Conservation and Drainage District and the St. John's Irrigation District is extended ten years, to December 31, 2034. The Director of the Department of Water Resources is required to submit a recommendation to the Governor and the Legislature by November 15, 2031 regarding extending these exemptions.

First sponsor: Rep. Dunn (R - Dist 13)

Disposition: 2/5 signed by governor; Chap. 4, Laws 2021

ADWR Position: Support

HB 2091: *water resources annual report*

Summary: The deadline for the Department of Water Resources (DWR) to provide the Governor and the Legislature with an annual operations report is moved to August 15 of each year, from July 1. The report must be made available to the public on the DWR website.

First sponsor: Rep. Dunn (R - Dist 13)

Disposition: 1/14 assigned to House Nat Res Energy & Water (likely dead)

HB 2203: *well drilling; groundwater basins*

Summary: Beginning on the effective date of this legislation, a person is prohibited from constructing and the Department of Water Resources is prohibited from issuing a permit or drilling card for a new well in the Upper San Pedro Groundwater Basin or the Verde Valley Groundwater Subbasin. Some exceptions.

First sponsor: Rep. Cano (D - Dist 3)

Disposition: 1/20 assigned to House Nat Res Energy & Water (likely dead)

HB 2204: wells; permits; spacing rules

Summary: The Department of Water Resources (DWR) is required to adopt rules governing the location of new wells and replacement wells in new locations in groundwater basins that DWR determines to be experiencing declining groundwater levels, for wells having a pump with a maximum capacity of more than 35 gallons per minute. In lieu of adopting new rules, DWR is permitted to follow the criteria for proposed withdrawals in active management areas.

First sponsor: Rep. Cano (D - Dist 3)

Disposition: 1/20 assigned to House Nat Res Energy & Water (likely dead)

HB 2206: subsequent irrigation non-expansion areas; procedures

Summary: The circumstances that must exist for the Director of the Department of Water Resources to designate an area that is not included in an active management area as a subsequent irrigation non-expansion area are modified to include that there is insufficient groundwater to provide a "reasonably safe supply for irrigation" (defined) of the cultivated lands in the area at the reasonable projected rates of withdrawal, instead of at the current rates of withdrawal. In making the determination, the Director is allowed to consider credible evidence that indicates likely future changes to rates of withdrawal. Also modifies the procedure for the designation of a subsequent irrigation non-expansion area initiated by petition.

First sponsor: Rep. Cano (D - Dist 3)

Disposition: 1/20 assigned to House Nat Res Energy & Water (likely dead)

HB 2208: adequate water supply; state-wide requirements

Summary: Counties and municipalities are authorized to approve a subdivision plat only if the subdivider has obtained a water report from the Department of Water Resources that there is an adequate water supply for the subdivision or the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply. The State Real Estate Commissioner is authorized to issue a public report authorizing the sale or lease of subdivided lands only if the Director has issued a water report that there is an adequate water supply for the subdivision or the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply.

First sponsor: Rep. Cano (D - Dist 3)

Disposition: 1/20 assigned to House Nat Res Energy & Water (likely dead)

HB 2209: groundwater pumping; measuring; reporting

Summary: A person who withdraws groundwater from a nonexempt well under any circumstances and in any location is required to use a water measuring device approved by the Department of Water Resources (DWR), maintain records of the withdrawals, and file an annual report to DWR with specified information on the withdrawals. Some exceptions.

First sponsor: Rep. Cano (D - Dist 3)

Disposition: 1/20 assigned to House Nat Res Energy & Water (likely dead)

HB 2239: assured water supply; availability; plats

Summary: For an application to modify or renew a designation of assured water supply in the Pinal Active Management Area, the Department of Water Resources is prohibited from reviewing the physical availability of groundwater that was determined to be physically available under the previous designation. The following are

deemed physically available for purposes of an assured water supply designation: stored water that is to be recovered by the applicant within the "area of impact" (defined) on an annual basis or under long-term storage credits pledged to the designation, and physically available water that will be stored within the area of impact on an annual basis or as long-term storage credits in the future. For the purposes of statute governing an assignment of a certificate of assured water supply, and for a holder of a certificate of assured water supply for a platted subdivision, an increase in the total number of housing units does not constitute a material change in the subdivision plat, plan or map. Contains a legislative intent section.

First sponsor: Rep. Cook (R - Dist 8)

Disposition: 1/20 assigned to House Nat Res Energy & Water (likely dead)

HB 2249: state lands; leases; renewal applications

Summary: The State Land Department (SLD) is required to accept lease renewal applications by mail and is allowed to accept renewal applications electronically. The method by which the renewal application is submitted cannot be a factor in the SLD's determination of whether to renew the lease. Session law requires the State Land Commissioner and the Director of Water Resources to consult, use the resources of their respective departments and cooperate to develop a plan to create additional water storage in Arizona that includes preliminary investigating acceptable sites to construct new water storage facilities on state trust land and identifying at least six of the most potentially acceptable sites. The Commissioner and the Director are required to submit a report of findings and recommendations to the Governor and the Legislature by December 31, 2021. Water storage plan requirements self-repeal January 1, 2024.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/16 substituted in Senate for identical bill 1413. Passed Senate 30-0; ready for governor.

ADWR Position: Neutral

HB 2336: assured water supply; subdivisions

Summary: For an application to modify or renew a designation of assured water supply in the Pinal Active Management Area, the Department of Water Resources is prohibited from reviewing the physical availability of groundwater that was determined to be physically available under the previous designation. The following are deemed physically available for purposes of an assured water supply designation: stored water that is to be recovered by the applicant within the "area of impact" (defined) on an annual basis or under long-term storage credits pledged to the designation, and physically available water that will be stored within the area of impact on an annual basis or as long-term storage credits in the future. For the purposes of statute governing an assignment of a certificate of assured water supply, and for a holder of a certificate of assured water supply for a platted subdivision, an increase in the total number of housing units does not constitute a material change in the subdivision plat, plan or map. Contains a legislative intent section.

First sponsor: Rep. Pratt (R - Dist 8)

Disposition: 2/3 substituted for SB 1274

ADWR Position: Neutral

HB 2388: water supply development fund; appropriation

Summary: Appropriates \$50 million from the general fund in FY2021-22 to the Water Supply Development Revolving Fund. The list of circumstances under which a water provider may qualify for monies in the Fund is expanded to include water providers located in a county with a population of less than 1.5 million persons (all except Maricopa County). For the purpose of water infrastructure finance programs, the definitions of "water provider" and "water supply development" are modified.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/2 passed House NREW

HB 2390: law clinics; stream adjudications; appropriation

Summary: A university under the jurisdiction of the Arizona Board of Regents is authorized to offer pro bono assistance to claimants in the general stream adjudication of water rights who are not represented by counsel and whose adjusted gross income for any of the preceding three years is less than 500 percent of the federal poverty guidelines. Any university that offers such assistance is required to cooperate and coordinate with the faculty of a cooperative extension in Arizona that has a program to support the economic vitality of rural communities and the use of natural resources in those communities. By November 15 of each year, a university that offers such assistance is required to submit a written report of assistance activities to the Governor and the Legislature. Appropriates \$500,000 from the general fund in FY2021-22 to the University of Arizona to establish an adjudication law clinic to assist claimants in the general stream adjudication of water rights.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 1/26 held in committee (likely dead)

ADWR Position: Neutral

HB 2441: water; substitute acreage

Summary: A person who owns acres of land that may be irrigated lawfully is authorized to permanently retire those acres from irrigation and substitute for those acres the same number of acres in the same contiguous farming unit if the owner demonstrates to the Department of Water Resources (DWR) that the legally irrigated acres were damaged by "floodwaters" after being irrigated and that it is not economically feasible to restore the flood damaged acres to irrigation use. A person who owns contiguous acres of land that may be irrigated lawfully is authorized to notify DWR to permanently retire a portion of those acres from irrigation and substitute for the retired acres the same number of acres within the same farm unit, if all of a list of specified conditions apply, including that a "limiting condition" associated with the acres to be retired from irrigation substantially impedes the implementation of efficient irrigation practices on the legally irrigated acres. Does not affect the person's existing or vested rights to the use of water.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/18 assigned Sen NREW

ADWR Position: Neutral

HB 2456: Colorado River fourth priority water

Summary: A person with a claim for rights to use any amount of the fourth priority Colorado River water that is subject to the federal Boulder Canyon Project Act and that was allocated by the U.S. Bureau of Reclamation for agricultural, municipal and industrial uses for Colorado River communities is prohibited from transferring or otherwise conveying that claim for use of that water to any location or use other than an agricultural, municipal or industrial use in a Colorado River community.

First sponsor: Rep. Cobb (R - Dist 5)

Disposition: 2/ 3 assigned to House Nat Res energy and water (likely dead)

HB 2576: water rights; general adjudications; funding

Summary: creates a fund coadministered by the Supreme Court and Department for the purposes of water rights adjudications. Appropriates money for that purpose.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/16 passed House Nat Res

HB 2577: appropriation; water supply study

Summary: appropriates \$5m to the Department for the study of water supplies to this State.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/11 passed House Approps

ADWR Position: Neutral

HB 2595: *subsequent irrigation non-expansion areas; procedures*

Summary: The bill contains amendments to the statutes governing the establishment of subsequent irrigation non-expansion areas.

First sponsor: Rep. Cobb(R - Dist 5)

Disposition: 2/3 referred to House nat res-energy-water. (likely dead)

HB 2614: *remediated water; groundwater; use*

Summary: Extends the remediated groundwater exemption to 2050, but does not allow any new entities to qualify for the exemption and does not increase the annual volume of groundwater that may be exempted.

First sponsor: Rep. Osborne (R - Dist 13)

Disposition: 2/9 Held in House NREW (likely dead)

ADWR Position: Neutral

HB 2679: *water; rural management areas*

Summary: Allows a county board of supervisors (bordering or containing the Colorado River) outside of an AMA to designate a basin or subbasin as a rural management area if there are physical indications of over pumping of water that are documented or reliably observed, including decreasing water levels or flow in hydrologically connected surface water.

First sponsor: Rep. Cobb (R - Dist 5)

Disposition: 2/3 referred to House nat res-energy-water. (likely dead)

HB 2691: (Striker) *water quality programs; WOTUS*

Summary: Authorizes certain water quality programs within the Arizona Department of Environmental Quality to cover waters that are no longer considered "waters of the United States."

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/17 amended and passed House nat res-energy-water.

HB 2740: *watershed health; use; survey*

Summary: A water right may be severed from the land to which it is appurtenant or from the site of its use if, with the consent and approval of the owner of such right, the right may be transferred for use for watershed health. The Director of the Department of Water Resources is required to establish a set of standard measures to define ecological water needs in Arizona, which must include specified criteria. By December 31, 2023, the Director is required to publish a preliminary survey of the status of the waters in Arizona, including specified information, and post the final survey and responses to all public comments received on the Dept website for a period of at least six months. By December 31 every three years after the initial preliminary survey, the Director of the Department of Water Resources is required to issue a report that includes an assessment of the overall health of each watershed in Arizona, based on an evaluation of specified attributes of the watershed.

First sponsor: Rep. Dalessandro (R - Dist 2)

Disposition: 2/2 referred to House nat res-energy-water. (likely dead)

HB 2741: well drilling; groundwater basins

Summary: Beginning on the effective date of this legislation, a person is prohibited from constructing and the Department of Water Resources is prohibited from issuing a permit or drilling card for a new well in the Upper San Pedro Groundwater Basin or the Verde Valley Groundwater Subbasin. Some exceptions.

First sponsor: Rep. Dalessandro (R - Dist 2)

Disposition: 2/2 referred to House nat res-energy-water. (likely dead)

HB 2778: stream adjudications; cooperative extension; appropriation

Summary: A university under the jurisdiction of the Arizona Board of Regents is authorized to offer pro bono assistance to claimants in the general stream adjudication of water rights who are not represented by counsel and whose adjusted gross income for any of the preceding three years is less than 500 percent of the federal poverty guidelines. Any university that offers such assistance is required to cooperate and coordinate with the faculty of a cooperative extension in Arizona that has a program to support the economic vitality of rural communities and the use of natural resources in those communities. By November 15 of each year, a university that offers such assistance is required to submit a written report of assistance activities to the Governor and the Legislature. Appropriates \$500,000 from the general fund in FY 2021-22 to the University of Arizona for distribution to the natural resource users law and policy center within the Arizona cooperative extension to assist claimants in the general stream adjudication of water rights.

First sponsor: Rep. Griffin (R - Dist 14)

Disposition: 2/17 Passed House Natural Resources, Energy & Water

ADWR Position: Neutral

HCM 2003: Colorado river; urging augmentation

Summary: The Legislature urges the U.S. Department of the Interior to immediately take all necessary measures to fulfill its obligations to provide for Colorado River water augmentation and conservation. The Secretary of State is directed to transmit copies of this memorial to the Secretary of the U.S. Department of the Interior, the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House and each member of Congress from Arizona.

First sponsor: Rep. Griffin(R - Dist 14)

Disposition: 2/18 assigned Sen NREW

HCM 2004: floodwater harvesting; study; urging Congress

Summary: The Legislature urges the U.S. Congress to fund a technological and feasibility study of the development of a diversion dam and pipeline to harvest floodwater from the Mississippi River to replenish the Colorado River and prevent flood damage along the Mississippi river. If feasible, the Legislature urges the U.S. Congress to implement the diversion dam and pipeline as a partial solution to the water supply shortage in Lake Powell and Lake Mead and the flood damage that occurs along the Mississippi river. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House, the Governors of Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, and Wisconsin, and each member of Congress from Arizona.

First sponsor: Rep. Dunn (R - Dist 13)

Disposition: 2/18 assigned Sen NREW

Senate

SB 1021: groundwater; waterlogged area exemption; date

Summary: The exemption from irrigation water duties for persons entitled to use groundwater under an irrigation grandfathered right is extended ten years, to December 31, 2034. The exemption from any applicable conservation requirements for the distribution of groundwater for the Arlington Canal Company, the Buckeye Water Conservation and Drainage District and the St. John's Irrigation District is extended ten years, to December 31, 2034. The Director of the Department of Water Resources is required to submit a recommendation to the Governor and the Legislature by November 15, 2031 regarding extending these exemptions.

First sponsor: Sen. Kerr (R - Dist 13)

Disposition: 1/28 **substituted for HB 2078**

ADWR Position: Support

SB 1079: well drilling; groundwater basins

Summary: Beginning on the effective date of this legislation, a person is prohibited from constructing and the Department of Water Resources is prohibited from issuing a permit or drilling card for a new well in the Upper San Pedro Groundwater Basin or the Verde Valley Groundwater Subbasin. Some exceptions.

First sponsor: Sen. Steele (D - Dist 9)

Disposition: 1/12 referred to Senate Nat Res Energy & Water (likely dead)

SB 1147: water banking; storage credits; subcontractors

Summary: The Arizona Water Banking Authority is authorized to distribute long-term water storage credits to Central Arizona Water Conservation District's (CAWCD) municipal and industrial subcontractors. Long-term water storage credits that are distributed to a CAWCD municipal and industrial subcontractor cannot be sold, and the subcontractor is responsible for all fees assessed by the Authority or the Department of Water Resources for the distribution of the long-term storage credits and all costs of recovery of the long-term storage credits.

First sponsor: Sen. Kerr (R - Dist 13)

Disposition: 2/9 passed Senate 29-0; ready for House.

SB 1274: assured water supply; subdivisions

Summary: In the Pinal Active Management Area, for an application to modify or renew a designation of assured water supply, or for a new application for a designation for the same service area to be served by a substitute provider acquiring the assets of the prior provider, if specified conditions apply to the volume of groundwater and stored water, the Department of Water Resources (DWR) is prohibited from reviewing the physical availability of groundwater that was determined to be physically available under the previous designation. Does not affect the DWR review of assured water supply criteria other than the physical availability of groundwater and stored water to be recovered outside the area of impact of storage. The following are deemed physically available for purposes of an assured water supply designation: stored water that is to be recovered by the applicant within the "area of impact" (defined) under long-term storage credits pledged to the designation, and stored water that is to be recovered by the applicant within the area of impact of storage either on an annual basis or as long-term storage credits to be earned in the future if the water to be stored meets the physical availability requirements for the water supply. Contains a legislative intent section.

First sponsor: Sen. Shope (R - Dist 8)

Disposition: 2/12 signed by Governor

ADWR Position: Neutral

SB 1314: groundwater pumping; measuring; reporting

Summary: A person who withdraws groundwater from a nonexempt well under any circumstances and in any location is required to use a water measuring device approved by the Department of Water Resources (DWR), maintain records of the withdrawals, and file an annual report to DWR with specified information on the withdrawals. Some exceptions.

First sponsor: Sen. Steele (D - Dist 9)

Disposition: 1/25 referred to Senate nat res-energy-water. (likely dead)

SB 1366: remediated water; groundwater; use

Summary: If groundwater is withdrawn within an active management area (AMA) and is not reinjected into the aquifer, the groundwater is required to be put to reasonable and beneficial use within the same AMA, either for the use of the municipality or private water company in whose service area the groundwater is withdrawn, or used according to a grandfathered right. A person who receives groundwater from a person withdrawing groundwater as part of a remedial action is not required to pay for the groundwater or the costs associated with the remedial action, unless otherwise responsible for the cost of remedial action, and the person must use the groundwater only according to specified sections of the Groundwater Code. Session law requiring the Department of Water Resources (DWR) to include in its management plans provisions to encourage the beneficial use of groundwater that is withdrawn under approved remedial action projects is made permanent. A declaration that the use of up to an aggregate of 65,000 acre-feet of groundwater withdrawn within all AMAs according to approved remedial action projects must be considered consistent with the management goal for the AMA, and providing for specified amounts in excess of that aggregate limit to be included in the consideration which session law applied to each calendar year until 2025, is moved to permanent law and applies to each calendar year until 2050. By January 1, 2025, the Director of DWR is required to amend assured water supply rules to carry out the purposes of this legislation. Before the amendment of these rules, the Director is required to treat any groundwater withdrawn pursuant to an approved remedial action project as consistent with the management goal as provided in this legislation.

First sponsor: Sen. Kerr (R - Dist 13)

Disposition: 2/17 passed Senate 30-0; ready for House.

SB 1368: water conservation notice; no forfeiture

Summary: Beginning on the effective date of this legislation, a person who is entitled to the use of water is authorized to file with the Department of Water Resources a water conservation plan notice. Information that must be included in the notice is listed. On filing a water conservation plan notice, the conservation of water pursuant to the plan does not constitute abandonment or forfeiture of the water conserved. A person cannot accrue long-term storage credits for any water that is conserved in a water conservation plan notice. A water conservation plan is required to designate a duration of up to 10 years, and the person filing the notice may file a subsequent notice for one or more periods of up to 10 years. Contains a legislative intent section stating that the Legislature intends that this act apply prospectively only.

First sponsor: Sen. Kerr (R - Dist 13)

Disposition: 2/11 substituted for HB 2056 passed 29-0

SB 1386: water; augmentation authority; special districts

Summary: By the third Monday of August of each year, the County Water Augmentation Authority is required to charge an annual contract assessment against each parcel of "contract land" (defined) that is subject to an annual contract assessment. This charge becomes a lien on the parcel and is collected in the same manner as an ad valorem tax. When the public interest or convenience requires, the board of directors of a county

improvement district is authorized to order the acquisition, creation, maintenance or pledge of "water assets" (defined) for the purpose of municipal, industrial, commercial or domestic development. County improvement districts, including domestic water or wastewater improvement districts, are authorized to undertake "water supply development" (defined elsewhere in statute) with monies borrowed from or financial assistance provided by the Water Infrastructure Finance Authority of Arizona.

First sponsor: Sen. Shope (R - Dist 8)

Disposition: 2/17 held Sen NREW (likely dead)

ADWR Position: Neutral

SB 1413: *state lands; leases; renewal applications*

Summary: The State Land Department (SLD) is required to accept lease renewal applications by mail and is allowed to accept renewal applications electronically. The method by which the renewal application is submitted cannot be a factor in the SLD's determination of whether to renew the lease. Session law requires the State Land Commissioner and the Director of Water Resources to consult, use the resources of their respective departments and cooperate to develop a plan to create additional water storage in Arizona that includes preliminary investigating acceptable sites to construct new water storage facilities on state trust land and identifying at least six of the most potentially acceptable sites. The Commissioner and the Director are required to submit a report of findings and recommendations to the Governor and the Legislature by December 31, 2021. Water storage plan requirements self-repeal January 1, 2024.

First sponsor: Sen. Kerr (R - Dist 13)

Disposition: 2/9 substituted for HB 2249

SB 1446: *groundwater replenishment reserves*

Summary: Modifies the calculation for groundwater replenishment reserve targets for active management areas within a multi-county water conservation district.

First sponsor: Sen. Kerr (R - Dist 13)

Disposition: 2/11 substituted for HB 2041

SB 1474: *watershed health; use; survey*

Summary: A water right may be severed from the land to which it is appurtenant or from the site of its use if, with the consent and approval of the owner of such right, the right may be transferred for use for watershed health. The Director of the Department of Water Resources is required to establish a set of standard measures to define ecological water needs in Arizona, which must include specified criteria. By December 31, 2023, the Director is required to publish a preliminary survey of the status of the waters in Arizona, including specified information, and post the final survey and responses to all public comments received on the Dept website for a period of at least six months. By December 31 every three years after the initial preliminary survey, the Director of the Department of Water Resources is required to issue a report that includes an assessment of the overall health of each watershed in Arizona, based on an evaluation of specified attributes of the watershed.

First sponsor: Sen. Engel (D - Dist 10)

Disposition: 1/28 assigned to Sen NREW (likely dead)

SB 1561: *appropriation; Fredonia flood project*

Summary: Appropriates \$3 million from the general fund in FY2021-22 to the Department of Water Resources to distribute to the town of Fredonia for costs associated with the Fredonia flood retarding structure project.

First sponsor: Sen. Peshlakai (D - Dist 7)

Disposition: 2/1 referred to Senate appro. (likely dead)

SB 1656: wells; permits; spacing rules

Summary: The Department of Water Resources (DWR) is required to adopt rules governing the location of new wells and replacement wells in new locations in groundwater basins that DWR determines to be experiencing declining groundwater levels, for wells having a pump with a maximum capacity of more than 35 gallons per minute. In lieu of adopting new rules, DWR is permitted to follow the criteria for proposed withdrawals in active management areas.

First sponsor: Sen. Mendez (D-26)

Disposition: 2/3 referred to Senate nat res-energy-water. (likely dead)

SB 1762: law clinic; stream adjudications; appropriation

Summary: A university under the jurisdiction of the Arizona Board of Regents is authorized to offer pro bono assistance to claimants in the general stream adjudication of water rights who are not represented by counsel and whose adjusted gross income for any of the preceding three years is less than 500 percent of the federal poverty guidelines. Any university that offers such assistance is required to cooperate and coordinate with the faculty of a cooperative extension in Arizona that has a program to support the economic vitality of rural communities and the use of natural resources in those communities. By November 15 of each year, a university that offers such assistance is required to submit a written report of assistance activities to the Governor and the Legislature. Appropriates \$500,000 from the general fund in FY2021-22 to the University of Arizona to establish an adjudication law clinic to assist claimants in the general stream adjudication of water rights.

First sponsor: Sen. Engel (D - Dist 10)

Disposition: 2/3 referred to Senate appro. (likely dead)

SB 1763: water rights; general adjudications; funding

Summary: Establishes the General Adjudication Personnel and Support Fund, to be administered by the Supreme Court. Monies in the Fund must be used by both the Supreme Court and the Department of Water Resources for full-time personnel and other support equipment and services related to general water rights adjudication. For FY2020-21, FY2021-22 and FY2022-23, before any monies are spent from the Fund, the Joint Legislative Budget Committee is required to review the expenditure plan for the fiscal year in which the monies are to be spent. Appropriates the following amounts from the general fund in FY2021-22 to the Fund for the following purposes: \$147,610 for two full-time paralegals for the Special Water Master, \$109,710 for a full-time law clerk for the Special Water Master, \$133,920 to expand the court's electronic case management system, and \$2 million for the purposes of the Fund.

First sponsor: Sen. Engel (D - Dist 10)

Disposition: 2/3 referred to Senate NREW, appro. (likely dead)

SB 1765: subsequent irrigation non-expansion areas; procedures

Summary: The circumstances that must exist for the Director of the Department of Water Resources to designate an area that is not included in an active management area as a subsequent irrigation non-expansion area are modified to include that there is insufficient groundwater to provide a "reasonably safe supply for irrigation" (defined) of the cultivated lands in the area at the reasonable projected rates of withdrawal, instead of at the current rates of withdrawal. In making the determination, the Director is allowed to consider credible evidence that indicates likely future changes to rates of withdrawal. Also modifies the procedure for the designation of a subsequent irrigation non-expansion area initiated by petition.

First sponsor: Sen. Otondo (D - Dist 4)

Disposition: 2/3 referred to Senate nrew (likely dead)

SB 1766: adequate water supply; statewide requirements

Summary: Counties and municipalities are authorized to approve a subdivision plat only if the subdivider has obtained a water report from the Department of Water Resources that there is an adequate water supply for the subdivision or the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply. The State Real Estate Commissioner is authorized to issue a public report authorizing the sale or lease of subdivided lands only if the Director has issued a water report that there is an adequate water supply for the subdivision or the subdivider has obtained a written commitment of water service for the subdivision from a city, town or private water company designated as having an adequate water supply.

First sponsor: Sen. Otondo (D - Dist 4)

Disposition: 2/3 referred to Senate new (likely dead)

Summaries are provided via [AZCapitolReports](#)

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